

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Revenue Department – APLR (COAH) Act, 1973 – SPSR Nellore District Payment of compensation an amount of Rs.87,34,805/- for fruit bearing trees (Cashewnut Tress) existing on the lands surrendered by Veemareddy Krishnamma and 4 others under A.P. Land Reforms (COAH) Act, 1973 – Administrative sanction – Orders – Issued.

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Revenue (Land Reforms) Department

G.O.Ms.No. 189

Dated:10-04-2013
Read the following:-

- 1)From the District Collector SPS Nelore letter C.C.No.732/GDR/75, dated 15.9.2012.
- 2)From the Spl.C.S. & Chief Commissioner of Land Administration, Ref.No.ALC2/157/2011, dated 23.02.2013.

X-X-X-X-X

ORDER:

In the reference 1st read above, the District Collector, SPSR Nellore District has furnished a proposal to the Spl. Chief Secretary & Chief Commissioner of Land Administration for sanction of an amount of Rs.87,34,805/- for payment of compensation to the declarants as per the directions of the H.C. of A.P.

2. He has informed that the Hon'ble High Court of A.P., Hyderabad in its orders dated 25.1.2011 in W.A.No.394/2003 has directed the land Reforms Tribunal to assess the compensation payable regarding fruit bearing trees (Cashew nut) to the appellants-petitioners 1,2, 4, and 5 appellants 7&8 who are legal representatives of the 3rd appellate – petitioner, after giving an opportunity to them, within (3) months from the date of receipt of the order and pay the compensation so assessed. The CCLA, AP., Hyderabad vide reference dated 30-5-2011 and 13.7.2011 while enclosing a copy of orders of Hon'ble High Court of A.P in W.A.No.394/2003, dt. 25.1.2011 requested the Collector, Nellore to look into the matter. The Collector, Nellore District vide his letter dated 15.9.2012 has submitted the proposals for allotment of Rs.87,34,805/- towards compensation for fruit bearing trees (Cashew nut trees) from 3.1.1978 to 30.09.2011 existing in the lands surrendered by Vemareddy Krishnamma and (4) other declarants, in CC.No.732/GDR/75, CC.NO. 763/GDR/, CC.No.738/GDR/75, as it was not paid previously to them and compensation was paid only to the Palmyrah trees on 29.1.1997. The declarants have filed W.P.No.8312/2002 before the Hon'ble High Court of Andhra Pradesh, with a request to make payment of Compensation for their Cashew nut trees which were existed at the time of surrender of land and as per the Advocate Commissioner's report dt:18-2-1983, 24-2-1983 along with interest at the rate of 24 % till the date of realization of the compensation. But the W.P was dismissed by the High Court on 26-4-2002 at the admission stage itself, on the grounds of laches. Aggrieved by the above orders, the declarants have filed a Writ Appeal before the Hon'ble High Court of A.P in W.A.No.394/2003.

3. The Hon'ble High Court of A.P on the appeal filed by the above declarants in Writ Appeal No.394/2003, dt. 15.1.2011, ordered that the declarants are entitled to the Compensation for fruit bearing trees i.e. cashew nut trees as assessed by the Commissioner's report, which is the basis for finalization of the Compensation.

4. The Sub- Collector Gudur has submitted that the Advocate Commissioner inspected the surplus lands in Momidi and Thamminapatnam Villages surrendered by the 5 declarants, worked out the valuation of trees as per the rules and submitted his report to the Sub-Collector, Gudur on 18-2-83, 24-2-1983 and 26-2-1983 giving, specific age as per norms. The Sub- Collector Gudur has reported that the Hon'ble Supreme Court of India has fixed the rate for 12 years at Rs.1530/- per tree in Civil Appeal No. 3066/2000 dated 13.02.2006.

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5. The details of the trees and the compensation along with interest thereon are as follows:-

Details of the trees.

S. No	Name of the Declarant	No.Age of The trees	Average Age of the Trees	Rate as Per Notificatio	Balance Period for which Compen sation du	Net Amount Per tree (85x18)	Total amount payable
	Vemareddy Krishnamma and four oth declarant	1019	12	85	18 years	Rs.1530	Rs. 15,59,070/-

The amount calculated based on the seignarouge.

1. Principle tree compensation amount to be paid to the declarants the date of taken possession of land on 03.01.1978 (worked out as per the Hon'ble Supreme Court Directives)	Rs. 15,59,070/-
2. interest @ 12% from the date of taken possession i.e., 3-1-1978 24.06.1994 on Rs. 15,59,070/- (15,59,070 x 6012 days/ 365/12/100) =	Rs. 30,81,576/-
3. interest at @ 15% from 25-06-1994 to 30.12.2011 (15,59,070 x 6390 days/ 365/15/100) =	Rs. 40,94,160/-
4. Total amount to be paid to the declarants.	Rs. 87,34,806/-

6. In view of the above facts, the Spl.Chief Secretary & Chief Commissioner of Land Administration vide letter 2nd read above has requested to sanction an amount of Rs. 87,34,806/- (Rupees Eighty Seven Lakhs Thirty Four Thousand Eight Hundred and Six only) for payment of compensation to Smt. Vemareddy Krishnamma and four others for the fruit bearing trees (Cashew nut) in the surrendered lands admeasuring Acs. 738.21 situated in Momidi and Thimmapalem villages at Chillakur Mandal Nellore District.

7. Government after careful examination, of the matter, has decided to sanction an amount of Rs.87,34,806/- (Rupees Eighty Seven Lakhs Thirty Four Thousand Eight Hundred and Six only) towards payment of compensation to Smt. Vemareddy Krishnamma and four others for the fruit bearing trees (Cashew nut) in the surrendered lands admeasuring Acs. 738.21 situated in Momidi and Thimmapalem villages at Chillakur Mandal Nellore District.

8. Accordingly, Government hereby accord administration sanction for an amount of Rs.87,34,806/- (Rupees Eighty Seven Lakhs Thirty Four Thousand Eight Hundred and Six only) towards for payment of compensation to Smt. Vemareddy Krishnamma and four others for the fruit bearing trees :-

9. The expenditure sanctioned in para(8) shall be debited to the head of account 3475 – other General Economic Services – M.H-201 – Land Ceilings (other than Agricultural land) – SH (04) – Compensation – 500 – Other charges – 501 – Compensation (charged) and shall initially be met by way of an advance from Contingency Fund for which orders will be issued by Finance (BG.I) Department separately.

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10. The Spl.Chief Secretary & Chief Commissioner of Land Administration is therefore requested to issues necessary instructions to take necessary action in the issue and submit necessary proposals for obtaining supplementary grant towards recoupment of advance from the contingency fund at appropriate time during the current financial year 2013-14.

11. This order issues with the concurrence of Finance (Exp.Rev) Department vide their U.O.No.009606/075/A1/Exp.Rev/2013, dated 10-4-2013.

(BY ORDER AND IN THE NAME OF THE GOVENOR OF ANDHRA PRADESH)

B.R. MEENA,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Special Chief Secretary and Chief Commissioner of Land Administration,
A.P. Hyderabad.

The District Collector, Nellore.

Copy to:

The Government Pleader for Revenue (GA&R)

High Court of A.P., Hyderabad.

O.S.D. to M(Revenue).

SF/SCs.

// FORWARDED::BY ORDER //

SECTION OFFICER